

**MANISTEE CITY  
ZONING BOARD OF APPEALS**

Meeting of November 6, 2008  
5:30 p.m. - Council Chambers, City Hall, 70 Maple Street,  
Manistee, Michigan

**AGENDA**

**I CALL TO ORDER**

**II ROLL CALL**

**III APPROVAL OF AGENDA**

At this time the Zoning Board of Appeals can take action to approve the November 6, 2008 Agenda.

**IV APPROVAL OF MINUTES**

At this time Zoning Board of Appeals can take action to approve the January 24, 2008 meeting Minutes.

**V PUBLIC HEARING**

**ZBA-2008-01 - Robert & Susan Archey, 1073 Sweetnam Drive**

Robert & Susan Archey reside at 1073 Sweetnam Drive and would like to construct an addition onto an existing garage. The proposed addition would be 8' x 24' the minimum amount needed to accommodate the owners vehicles. The Archeys have a uniquely shaped lot and they have three front yards. The proposed garage addition would require all three of the following variances:

Sweetnam Drive from 30' to 26'; Sweetnam Drive from 30' to 25' 3"; Reigle Street from 30' to 26'2"

At this time the Chair shall open the hearing.

The Applicant shall present any comments and explanation of the case.

The City Staff and any consultants serving the City shall present their reports.

The hearing will be opened for public comments.

The Public comment period will be closed.

**ZBA-2008-02 - The Salvation Army Family Thrift Store, 172 Memorial Drive**

The Salvation Army is moving their Thrift Store to 172 Memorial Drive. The City of Manistee Zoning Ordinance allows the building at 170/172 Memorial Drive 165 square feet of signage on the side of the building that accesses the two storefronts. The existing signage at 170 Memorial Drive totals 160 sq. ft. was installed prior to the adoption of Signage Regulations in the Zoning Ordinance.

The Salvation Army would like to install approximately 43 square feet of signage. A variance to allow 38 square feet of additional signage is being requested.

At this time the Chair shall open the hearing.

The Applicant shall present any comments and explanation of the case.

The City Staff and any consultants serving the City shall present their reports.

The hearing will be opened for public comments.

The Public comment period will be closed.

## **VI BUSINESS SESSION:**

### **Action on Pending Cases**

#### **ZBA-2008-01 - Robert & Susan Archey, 1073 Sweetnam Drive**

After the Public Hearings are closed the Zoning Board of Appeals will take action on the request from Robert & Susan Archey, 1073 Sweetnam Drive to construct an addition onto an existing garage. The proposed addition would be 8' x 24' the minimum amount needed to accommodate the owners vehicles. The Archey's have a uniquely shaped lot and they have three front yard the proposed garage addition would require three variances.

At this time the Zoning Board of Appeals can take action to approve/deny/approve with conditions the variance request from Robert & Susan Archey, 1073 Sweetnam Drive to reduce the three front yard setbacks to allow the construction of an 8' x 24' garage addition.

#### **ZBA-2008-02 - The Salvation Army Family Thrift Store, 172 Memorial Drive**

The Zoning Board of Appeals will take action on the request from The Salvation Army Family Thrift Store, 172 Memorial Drive to allow 38 square feet of additional signage.

At this time the Zoning Board of Appeals can take action to approve/deny/approve with conditions the variance request from The Salvation Army Family Thrift Store, 172 Memorial Drive to allow 38 square feet of additional signage.

#### **Old Business**

None

#### **Other Business of the Appeals Board**

## **VII PUBLIC COMMENTS AND COMMUNICATIONS**

At this time the Chair will ask if there are any public comments. .


## **VIII ADJOURNMENT**



PLANNING AND ZONING  
COMMUNITY DEVELOPMENT  
231.398.2805  
FAX 231.723-1546  
www.ci.manistee.mi.us

## MEMORANDUM

---

TO: Zoning Board of Appeals Members  
FROM: Denise Blakeslee   
DATE: October 20, 2008  
RE: Zoning Board of Appeals Meeting - November 6, 2008

Good Morning!

We have received requests for Variances and a meeting of the Zoning Board of Appeals has been scheduled for Thursday, November 6, 2008 at 5:30 p.m. in the Council Chambers.

We have two items on the agenda as follows:

ZBA-2008-01 - Robert & Susan Archey, 1073 Sweetnam Drive

Robert & Susan Archey, 1073 Sweetnam Drive to construct an addition onto an existing garage. The proposed addition would be 8' x 24' the minimum amount needed to accommodate the owners vehicles. The Archeys have a uniquely shaped lot and they have three front yard the proposed garage addition would require three variances.

ZBA-2008-02 - The Salvation Army Family Thrift Store, 172 Memorial Drive

The Salvation Army Family Thrift Store, 172 Memorial Drive to allow 38 square feet of additional signage.

A staff report has been prepared to give you some background on each request. Please Call me if you are unable to attend. Thank you!

:djb



PLANNING AND ZONING  
COMMUNITY DEVELOPMENT  
231.398.2805  
FAX 231.723-1546  
www.ci.manistee.mi.us

## MEMORANDUM

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TO: Zoning Board of Appeals Members

FROM: Jon R. Rose   
Community Development Director

DATE: October 20, 2008

RE: Staff Report

The following addresses some of the issues relating to the requested variances for the November 6, 2008 meeting.

### ZBA-2008-01 - Robert & Susan Archey, 1073 Sweetnam Drive

Robert & Susan Archey, 1073 Sweetnam Drive would like to construct an addition to an existing garage. The proposed addition would be 8' x 24', the minimum amount needed to accommodate the owners vehicles. The Archey's have a uniquely shaped lot and they have three front yards. The proposed garage addition would require all three of the following variances:

Sweetnam Drive from 30' to 26'; Sweetnam Drive from 30' to 25' 3"; Reigle Street from 30' to 26' 2"

The Archeys have one of the most uniquely shaped lots in a platted subdivision in the City of Manistee. The shape of the lot and three resulting front yard setbacks create a unique circumstance. Staff review of the request shows it is reasonable and supports the request.

### ZBA-2008-02 - The Salvation Army Family Thrift Store, 172 Memorial Drive

The Salvation Army is moving their Thrift Store to 172 Memorial Drive. The City of Manistee Zoning Ordinance allows the building at 170/172 Memorial Drive 165 square feet of signage on the side of the building that accesses the two storefronts. The existing signage at 170 Memorial Drive totals 160 sq. ft. was installed prior to the adoption of Signage Regulations in the Zoning Ordinance. The Salvation Army would like to install approximately 43 square feet of signage. A variance to allow 38 square feet of additional signage is being requested.

The Family Dollar Sign, 170 Memorial Drive was installed prior to the City of Manistee adopting a Sign Ordinance. Also the letter from Jack Smith, Director of Real Estate from Oleson's states that they would only allow a future tenant 50% of the allocated signage for the building. Staff supports the request with the condition that the existing signage at 170 Memorial Drive "Family Dollar" would be removed upon change of tenant or if the current tenant changed their signage it be allocated only 50% of the signage for the building.

The new Planning Enabling Act has been adopted by the State of Michigan and results in the way in which decisions of the Zoning Board of Appeals are certified. The following is an excerpt from the act:

"(3) An appeal from a decision of a zoning board of appeals shall be filed within 30 days after the zoning board of appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the zoning board of appeals, if there is no chairperson, or within 21 days after the zoning board of appeals approves the minutes of its decision. The court may affirm, reverse, or modify the decision of the zoning board of appeals. The court may make other orders as justice requires."

We are waiting for a determination from Jay Kilpatrick, Williams & Works our Planner of Record as to the best way to certify the Zoning Board of Appeals decisions. We will discuss this during the meeting.

JRR:djb



REQUEST FOR APPEAL  
CITY OF MANISTEE  
ZONING BOARD OF APPEALS

Name: ROBERT & SUSAN ARCHEY  
Address: 1073 SWEETNAM DR  
City, State, Zip Code: MANISTEE, MI 49660  
Phone Numbers: (work) (231) 723-8540 (home) SAME  
Agent Name & Phone Number if applicable: \_\_\_\_\_

FEE FOR APPEAL \$500.00

OFFICE USE ONLY	
Appeal Number: <u>ZBA-2008.01</u>	Date Received: <u>10-10-08</u>
Receipt Number/Fee Amt: <u>\$500.00</u>	Hearing Date: _____
Zoning District for Property: <u>R-1</u>	Parcel Code Number: <u>S1-S1-373.702-25</u>
Type of Request:	
<input checked="" type="checkbox"/> Variance Request	<input type="checkbox"/> Ordinance or Map Interpretation
<input type="checkbox"/> Appeal from Administrative Decision	<input type="checkbox"/> Other Authorized Review

PLEASE NOTE: All questions must be answered. Incomplete applications will be returned to be completed before processing. If additional space is needed, number and attach additional sheets.

State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Board of Appeals:

BUILD A 8' X 24' ADDITION ON DETACHED GARAGE  
TO PROVIDE FOR HOMEOWNER'S REQUIRED VEHICLES

PROPERTY INFORMATION:

Tax Roll Parcel Code # 51-51- 373-702-25

Property Address: 1073 SWEETNAM DR. MANISTEE, MI

Names & Addresses of all other persons, firms or corporations having a legal or equitable interest in the land. NONE

Present use of parcel: SINGLE FAMILY DWELLING

List of all deed restrictions (attache additional sheets if necessary): NONE

Has a previous appeal been made with respect to this property? ☐ Yes ☒ No

If a previous appeal, re-zoning or special use permit application was made state the date, nature of action requested and the decision: \_\_\_\_\_

DETAILED REQUEST AND JUSTIFICATION:

Please identify each requested variance:

		Required by Zoning	Requested by Appellant
<input type="checkbox"/>	Front-Yard Set-Back	from <u>30</u>	to <u>26'</u>
<input type="checkbox"/>	<del>Side</del> Yard Set-Back	from <u>1</u>	to <u>25' 3 1/2"</u>
<input type="checkbox"/>	<del>Side</del> Yard Set-Back	from <u>1</u>	to <u>26' 2"</u>
<input type="checkbox"/>	Rear-Yard Set-Back	from _____	to _____
<input type="checkbox"/>	Waterfront Set-Back	from _____	to _____
<input type="checkbox"/>	Height	from _____	to _____
<input type="checkbox"/>	Area Requirements	from _____	to _____
<input type="checkbox"/>	Off-street Parking	from _____	to _____
<input type="checkbox"/>	Other	_____	_____

Please mark all characteristics of your property which require the granting of a variance.

Dimensional information

- ☐ Too Narrow \_\_\_\_\_
- ☐ Too Small \_\_\_\_\_
- ☐ Too Shallow \_\_\_\_\_
- ☐ Elevation (height) \_\_\_\_\_
- ☐ Slope \_\_\_\_\_
- ☒ Shape PROPERTY HAS DESIGNATION OF (3) FRONT YARDS - VERY UNUSUAL SHAPE
- ☐ Soil \_\_\_\_\_
- ☐ Subsurface \_\_\_\_\_
- ☐ Other (Specify) \_\_\_\_\_

**Variances.** The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that all of the Basic Conditions and any one (1) of the Specific Conditions set forth herein can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.

1. Basic Conditions. The Board shall find that a variance request meets all of the following conditions.

- a. The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance. ☒ Yes ☐ No THIS CHANGE WILL NOT OBSTRUCT VIEW OR PRESENT A HAZARD - BASED ON OUR (3) FRONT PROPERTY
- b. The requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required. ☒ Yes ☐ No THIS IS A SINGLE FAMILY DWELLING AND WE HAVE OBTAINED ALL APPROPRIATE PERMITS
- c. The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located. ☒ Yes ☐ No PROPERTIES WITHIN IMMEDIATE VICINITY ARE NON-BUILDING AND WOULD NOT USE THIS POINT OF RIGHT AWAY FOR ACCESS
- d. The conditions or situations which necessitate the requested variance is not so general or of such recurrent nature as to make the formulation of a general regulation for such conditions reasonably practical. ☒ Yes ☐ No THIS <sup>IS A</sup> UNIQUE SITUATION BASED ON SHAPE OF PROPERTY (3) FRONTS
- e. The requested variance shall relate only to property that is under control of the applicant. ☒ Yes ☐ No IT SHOULD BE NOTED WE ALSO OWN LOTS #4 & #3 ACROSS SWEENAM DR - LAKESIDE
- f. The requested variance shall not be necessitated by any self-created condition or action taken by the applicant or property owner. ☒ Yes ☐ No WE DID NOT CREATE A CONDITION THAT CAUSED US TO REQUEST THIS CHANGE.

THIS PROPERTY IS STABLE AND WE HAVE CREATED NO CONDITION OR ACTION.



- g. There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.  
☒ Yes ☐ No THE GARAGE IS ALREADY ESTABLISHED AND WE ARE ASKING A MINIMUM VARIANCE

- h. The requested variance is the minimum variance that will make possible the reasonable use of the land.  
☒ Yes ☐ No WE ARE ASKING A MINIMUM VARIANCE SUBJECT TO (3) POINTS OF FRONT (SEE ATTACHED)

2. Special Conditions. When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:

- a. Where there are practical difficulties which prevent full compliance with the requirements of this Ordinance. Such practical difficulties shall be evaluated in terms of the use of a particular parcel of land. Neither the fact that the appellant could: (a) incur additional costs to achieve full compliance, or (b) receive additional income with less than full compliance shall be determined a practical difficulty for the purposes of this paragraph.

☒ Yes ☐ No

Justification: THIS PARCEL IS DEEMED TO HAVE (3) FRONT YARDS - UNUSUAL SHAPE - SEE ATTACHED SUBDIVISION PAPER

- b. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district.

☒ Yes ☐ No

Justification: OUR CURRENT GARAGE FACE IS SUBJECT TO SNOW DRIFTS OF 8+ FEET MAKING IT VERY DIFFICULT TO MAINTAIN & KEEP OPEN WITH PREVAILING WIND DIRECTION - WE WOULD BE ABLE TO EASILY SHELTER THE PROPOSED ENTRANCE ALSO WITH THE UNCERTAIN OUTCOME FOR SWEETNAM DRIVE (PENDING FEMA) WE ARE ABLE TO EXIT PROPERTY EITHER REIGLE ST. OR SWEETNAM DR. (SEE WASHI

- c. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

☒ Yes ☐ No

Justification: SHAPE OF PROPERTY (3) FRONTS

3. Rules. The following rules shall be applied in the granting of variances:


- a. The Board may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.
- b. Each variance granted under the provisions of this Ordinance shall become null and void unless: The construction authorized by such variance has received a City zoning permit within one (1) year after the granting of the variance; and the occupancy of land, premises, or buildings authorized

by the variance has taken place within one (1) year after the granting of the variance, unless an extension of time has been granted by the Zoning Board of Appeals.

- c. No application for a variance which has been denied wholly or in part by the Board shall be re-submitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence of changed conditions found, upon inspection by the Board, to be valid. For such newly discovered evidence to be considered, an applicant shall submit a detailed description of such evidence to the Zoning Administrator who shall place it on the agenda of the Zoning Board of Appeals along with a report and recommendation on the nature of such newly discovered evidence and whether it may have been pertinent to the decision of the Zoning Board of Appeals. If the Zoning Board of Appeals determines that the newly discovered evidence would have been pertinent to its decision, it shall direct the Zoning Administrator to accept a new application for the previously denied variance. An application considered under the terms of this subparagraph shall be considered a new application and shall be subject to all hearing, notice and fee requirements of this Ordinance.

#### AFFIDAVIT:

The undersigned acknowledges that if a variance is granted or other decisions favorable to the undersigned is rendered upon this appeal, the said decision does not relieve the applicant from compliance with all other provisions of the City of Manistee Zoning Ordinance; the undersigned further affirms that he/she or they is (are) the (owner/lessee/authorized agent for the owner) involved in the appeal and the answers and statements herein contained and the information herewith submitted are in all respects true and correct to the best of his, her or their knowledge and belief. By signing this affidavit permission is given for Zoning Board of Appeals Members to make a site inspection if necessary.

Signature  Date 10-9-08

Signature Susan Aichey Date 10-09-08

Representation at the Public Hearing by either the applicant or agent is encouraged.

July 2008

REIGLE STREET (UNCONSTRUCTED)

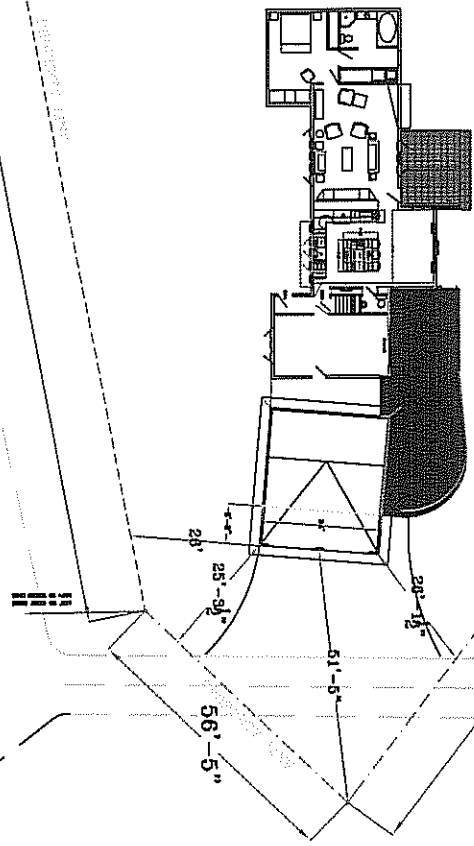
EMERGENCY ACCESS ROAD (12')

160.0'

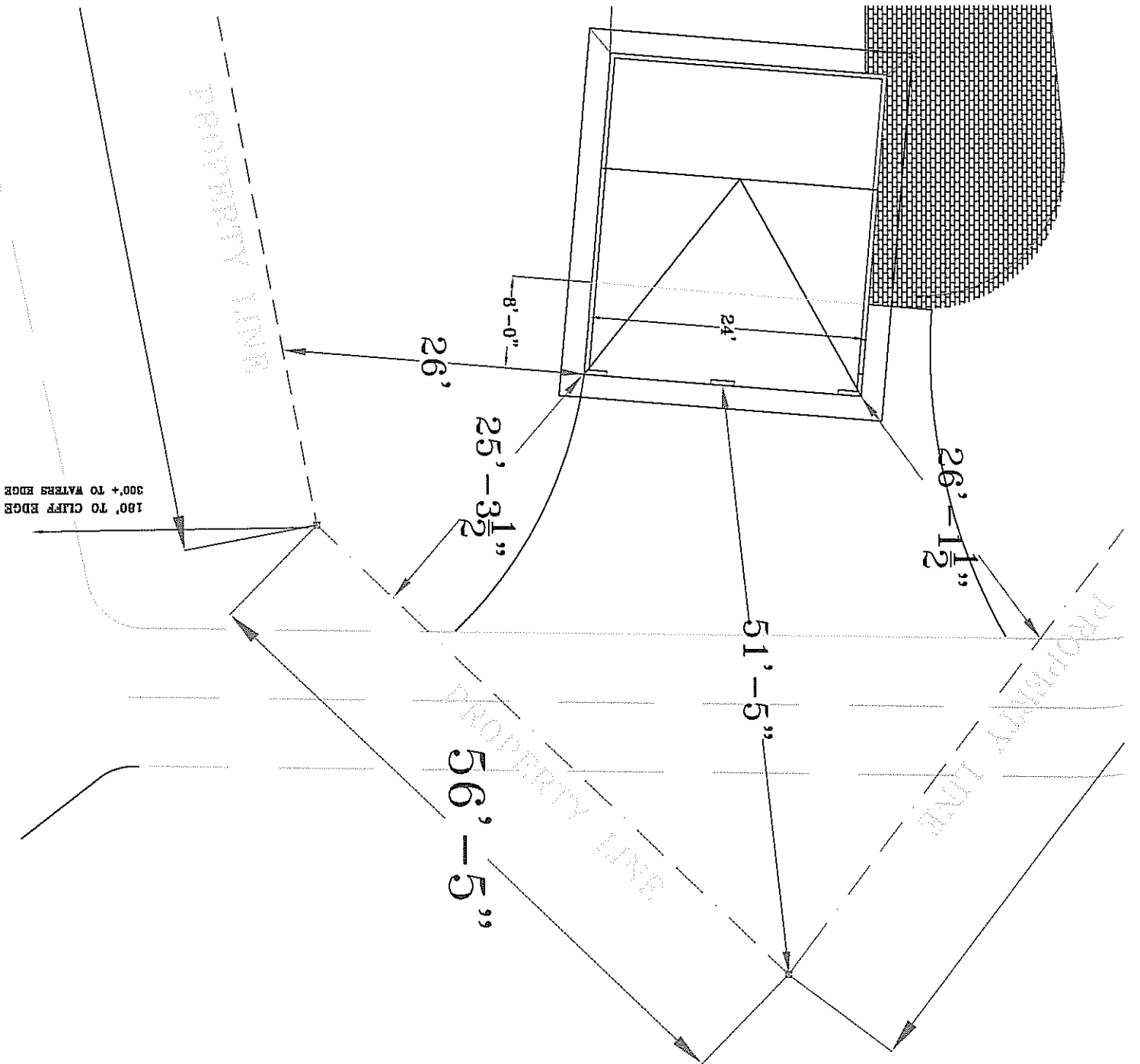
220'-4 1/2"

222'

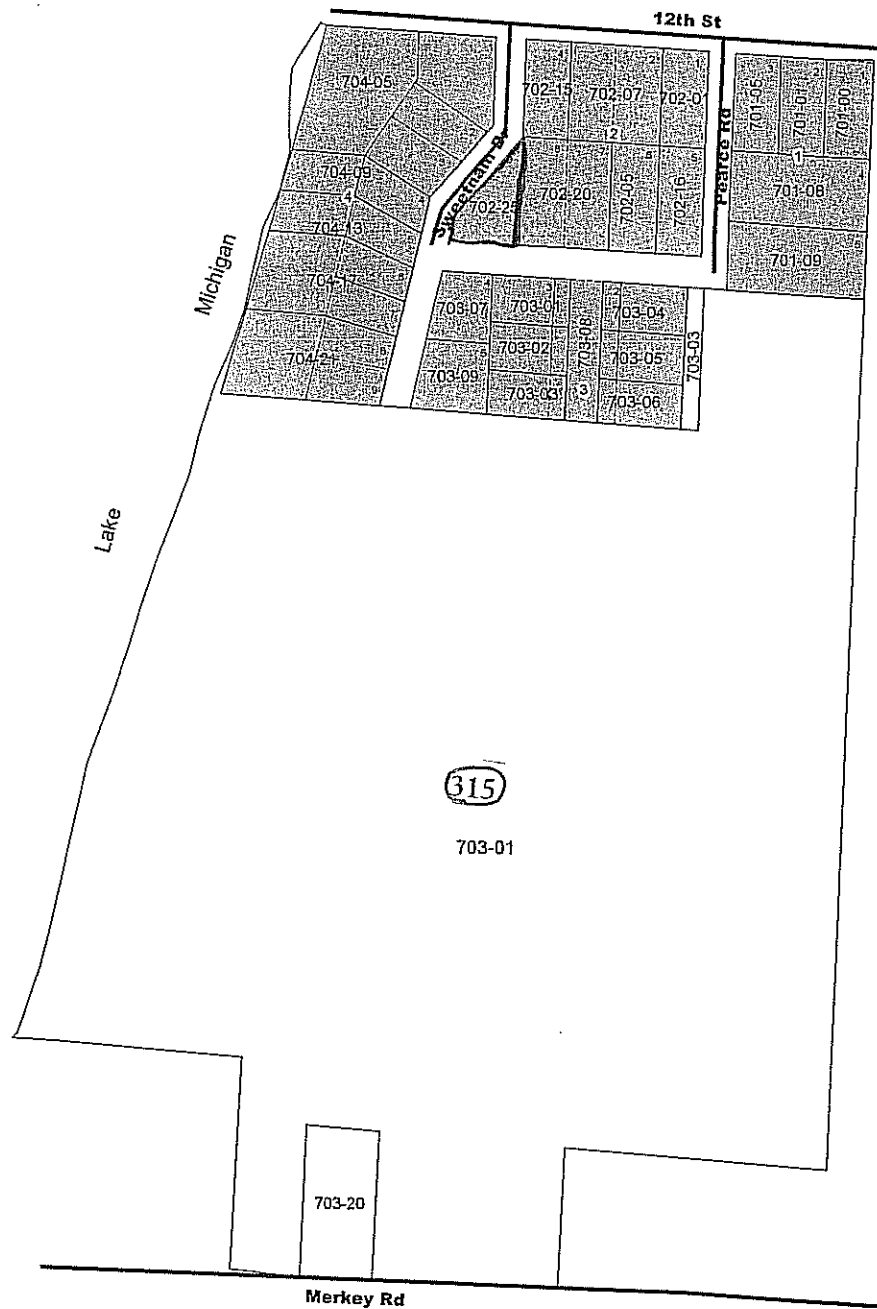
SWEETNAM DRIVE




NOT USABLE DUE TO JUNE 2008 STORM  
SWEETNAM DRIVE (66')







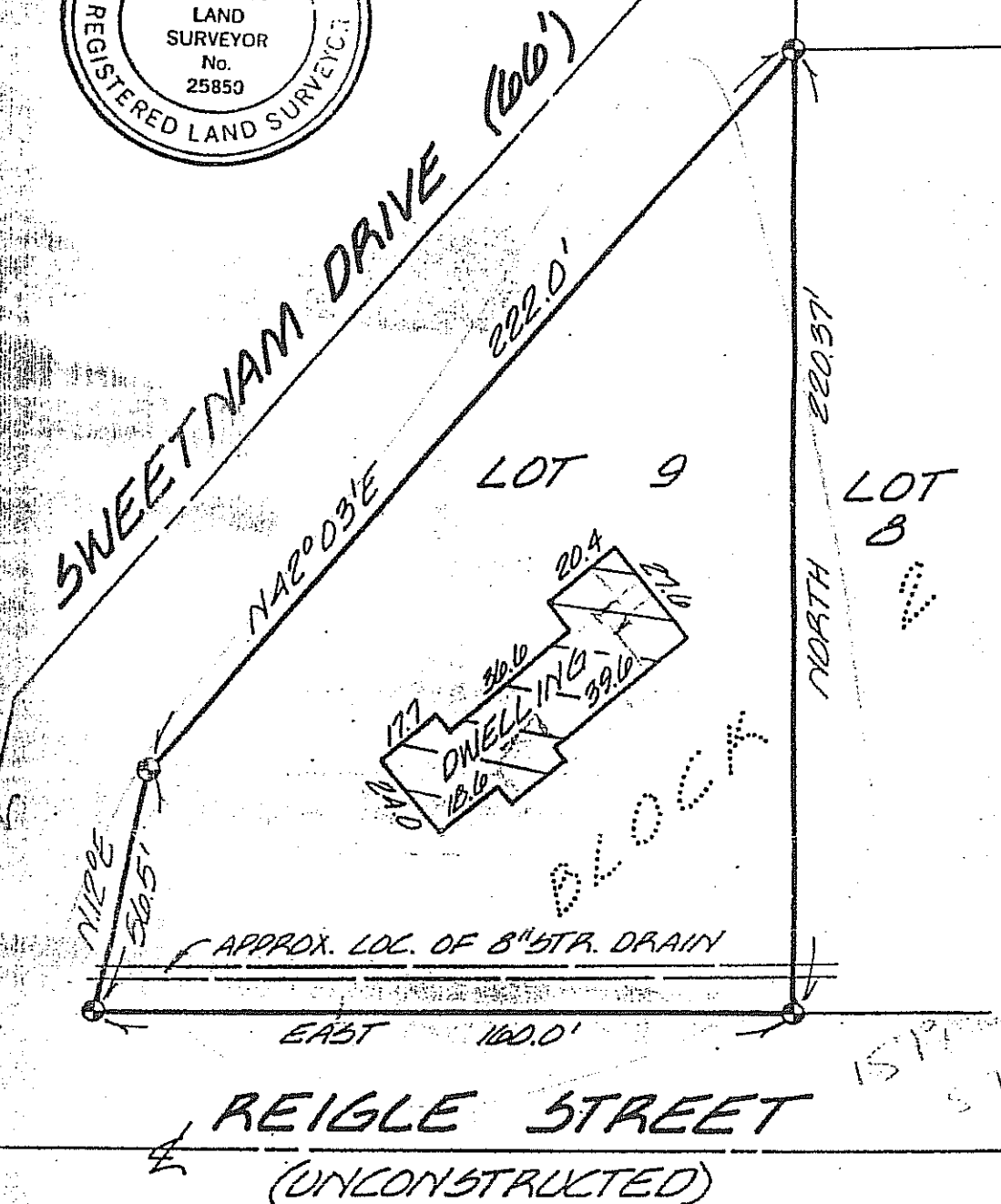
**Subdivisions**

 373\_Sweetnam

1 inch equals 400 feet  
 12/2005



## A circular professional seal for a land surveyor in the State of Michigan. The outer ring contains the text "STATE OF MICHIGAN" at the top and "REGISTERED LAND SURVEYOR" at the bottom. The inner circle contains the name "BRUCE J. JENEMA", the title "LAND SURVEYOR", and the registration number "No. 25850".



DESCRIPTION-  
LOT 9, BLOCK 2, "SWEETNAM'S  
LAKE BLUFF" CITY OF MANISTEE  
MANISTEE COUNTY, MICHIGAN.

## N



**Robert & Susan Archey, 2073 Sweetnam Drive – ZBA Request**



Picture of existing Garage



Stakes in ground shows  
area where garage addition  
will be located





Picture of Construction of new  
access from Reigle Street



Picture of finished  
Access Road from Reigle Street

Picture of Storm Damage at  
End of Twelfth Street

There currently is no access to  
The Archey residence from  
Sweetnam Drive



COPY



**SOIL EROSION AND SEDIMENTATION CONTROL**

**(231) 723-6041**

**Fax (231) 723-1718**

Manistee County Courthouse • 415 Third Street • Manistee, Michigan 49660

**SOIL EROSION AND SEDIMENTATION CONTROL PERMIT**

(Issued under the authority of Part 91, Soil Erosion and Sedimentation Control,  
of the Natural Resources and Environmental Protection Act,  
1994 PA 451, as amended)

~~AMENDED 10/8/2008~~

**Permittee:** Robert Archey  
**Address:** 1073 Sweetnam Drive  
Manistee, MI 49660

Permit No.: 08-619  
Issued: 10-01-08  
Expires: 10-01-09  
Extended: \_\_\_\_\_

**On-Site Responsible Person:** Name: Ron Young  
Company Youngs Construction, Co. Phone Number: (231) 723-5724

**Permitted Activity:**

8 FT X 24 FT addition to the existing garage.

**Property Tax ID Number:** 51-51-373-702-25

**Project Location:** Town 21N ; Range 17W ; Section 10

City or Township: Manistee Township

Address: 1073 Sweetnam Drive

Manistee, MI 49660

**Permit Conditions:**

1. The permitted activity shall be completed in accordance with the approved plans and specifications, and the **attached** general and specific conditions.
2. This permit does not waive the necessity for obtaining all other required federal, state, or local permits.
3. Permittee shall notify the permitting agency within one week after completing the permitted activity or one week prior to the permit expiration date, whichever comes first.

Murray D. Stoll - Oct. 08 2008  
Permitting Agent

(231) 723-6041

**THIS PERMIT MUST BE POSTED AT THE PROJECT SITE**

**NOTIFY THIS OFFICE (231-723-6041) WHEN PROJECT BEGINS AND IS COMPLETED.**

(Over)



REQUEST FOR APPEAL  
CITY OF MANISTEE  
ZONING BOARD OF APPEALS

Name: The Salvation Army Family Thrift Store  
Address: 172 Memorial Drive  
City, State, Zip Code: Manistee, MI 49660  
Phone Numbers: (work) (231) 723-3496 (home) \_\_\_\_\_  
Agent Name & Phone Number if applicable: Major Jo Langham (231) 723-6243

**FEE FOR APPEAL \$500.00**

OFFICE USE ONLY	
Appeal Number: <u>ZBA-2008-02</u>	Date Received: <u>10-17-08</u>
Receipt Number/Fee Amt: <u>17285 \$500.00</u>	Hearing Date: <u>11-6-08</u>
Zoning District for Property: <u>C-3</u>	Parcel Code Number: <u>51-51-146-726-09</u>
Type of Request:	
<input type="checkbox"/> Variance Request	<input type="checkbox"/> Ordinance or Map Interpretation
<input type="checkbox"/> Appeal from Administrative Decision	<input type="checkbox"/> Other Authorized Review

**PLEASE NOTE:** All questions must be answered. Incomplete applications will be returned to be completed before processing. If additional space is needed, number and attach additional sheets.

State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Board of Appeals:

The Salvation Army wishes to put up a permanent sign at 172 Memorial Drive that is in keeping with current zoning laws. Family Dollar, which shares the property at 170 Memorial Drive, put up a sign prior to the current signage zoning laws. Under these current laws there is only 5 square feet remaining for our sign. We seek a variance to allow our sign (on attached drawings) the door sign "E" for the front of the building

PROPERTY INFORMATION:

Tax Roll Parcel Code # 51-51- 146-726-09

Property Address: 172 Memorial Drive Manistee, MI 49660

Names & Addresses of all other persons, firms or corporations having a legal or equitable interest in the land. Olesen's Land Company - Jack Smith  
P.O. Box 72 Traverso City, MI 49685

Present use of parcel: Commercial - Retail

List of all deed restrictions (attache additional sheets if necessary): \_\_\_\_\_

Has a previous appeal been made with respect to this property? ☐ Yes ☒ No

If a previous appeal, re-zoning or special use permit application was made state the date, nature of action requested and the decision: \_\_\_\_\_

DETAILED REQUEST AND JUSTIFICATION:

Please identify each requested variance:

		Required by Zoning	Requested by Appellant
<input type="checkbox"/>	Front-Yard Set-Back	from _____	to _____
<input type="checkbox"/>	Side-Yard Set-Back	from _____	to _____
<input type="checkbox"/>	Side-Yard Set-Back	from _____	to _____
<input type="checkbox"/>	Rear-Yard Set-Back	from _____	to _____
<input type="checkbox"/>	Waterfront Set-Back	from _____	to _____
<input type="checkbox"/>	Height	from _____	to _____
<input type="checkbox"/>	Area Requirements	from _____	to _____
<input type="checkbox"/>	Off-street Parking	from _____	to _____
<input checked="" type="checkbox"/>	Other	<u>signage</u>	<u>202.875 sq. ft.</u>

Please mark all characteristics of your property which require the granting of a variance.

Dimensional information

- ☐ Too Narrow \_\_\_\_\_
- ☐ Too Small \_\_\_\_\_
- ☐ Too Shallow \_\_\_\_\_
- ☐ Elevation (height) \_\_\_\_\_
- ☐ Slope \_\_\_\_\_
- ☐ Shape \_\_\_\_\_
- ☐ Soil \_\_\_\_\_
- ☐ Subsurface \_\_\_\_\_
- ☒ Other (Specify) signage - 202.875 Existing sign - 160  
Sq. ft. The Salvation Army Sq. ft.  
signs - 42. 875

**Variances.** The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that all of the Basic Conditions and any one (1) of the Specific Conditions set forth herein can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.

1. Basic Conditions. The Board shall find that a variance request meets all of the following conditions.

- a. The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.  
☒ Yes ☐ No
- b. The requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required.  
☒ Yes ☐ No
- c. The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.  
☒ Yes ☐ No
- d. The conditions or situations which necessitate the requested variance is not so general or of such recurrent nature as to make the formulation of a general regulation for such conditions reasonably practical.  
☒ Yes ☐ No
- e. The requested variance shall relate only to property that is under control of the applicant.  
☒ Yes ☐ No
- f. The requested variance shall not be necessitated by any self-created condition or action taken by the applicant or property owner.  
☒ Yes ☐ No

- g. There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.

☒ Yes ☐ No

- h. The requested variance is the minimum variance that will make possible the reasonable use of the land.

☒ Yes ☐ No

2. Special Conditions. When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:

- a. Where there are practical difficulties which prevent full compliance with the requirements of this Ordinance. Such practical difficulties shall be evaluated in terms of the use of a particular parcel of land. Neither the fact that the appellant could: (a) incur additional costs to achieve full compliance, or (b) receive additional income with less than full compliance shall be determined a practical difficulty for the purposes of this paragraph.

☒ Yes ☐ No

Justification: Family Dollar sign was put up before current signage zoning laws. The size of their sign prevents The Salvation Army from having appropriate signage.

- b. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district.

☒ Yes ☐ No

Justification: Family Dollar sign was put up before current signage zoning laws. The size of their sign prevents The Salvation Army from having appropriate signage.

- c. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

☒ Yes ☐ No

Justification: Family Dollar sign was put up before current signage zoning laws. The size of their sign prevents The Salvation Army from having appropriate signage. When a new tenant occupies 170 Memorial Drive it is understood they will have to comply with current zoning & this variance becomes null & void.

3. Rules. The following rules shall be applied in the granting of variances:

- a. The Board may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.

- b. Each variance granted under the provisions of this Ordinance shall become null and void unless: The construction authorized by such variance has received a City zoning permit within one (1) year after the granting of the variance; and the occupancy of land, premises, or buildings authorized

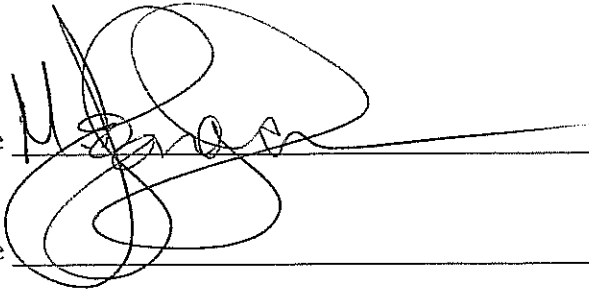
by the variance has taken place within one (1) year after the granting of the variance, unless an extension of time has been granted by the Zoning Board of Appeals.

- c. No application for a variance which has been denied wholly or in part by the Board shall be re-submitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence of changed conditions found, upon inspection by the Board, to be valid. For such newly discovered evidence to be considered, an applicant shall submit a detailed description of such evidence to the Zoning Administrator who shall place it on the agenda of the Zoning Board of Appeals along with a report and recommendation on the nature of such newly discovered evidence and whether it may have been pertinent to the decision of the Zoning Board of Appeals. If the Zoning Board of Appeals determines that the newly discovered evidence would have been pertinent to its decision, it shall direct the Zoning Administrator to accept a new application for the previously denied variance. An application considered under the terms of this subparagraph shall be considered a new application and shall be subject to all hearing, notice and fee requirements of this Ordinance.

#### AFFIDAVIT:

The undersigned acknowledges that if a variance is granted or other decisions favorable to the undersigned is rendered upon this appeal, the said decision does not relieve the applicant from compliance with all other provisions of the City of Manistee Zoning Ordinance; the undersigned further affirms that he/she or they is (are) the (owner/lessee/authorized agent for the owner) involved in the appeal and the answers and statements herein contained and the information herewith submitted are in all respects true and correct to the best of his, her or their knowledge and belief. By signing this affidavit permission is given for Zoning Board of Appeals Members to make a site inspection if necessary.

Signature



Date

10/17/08

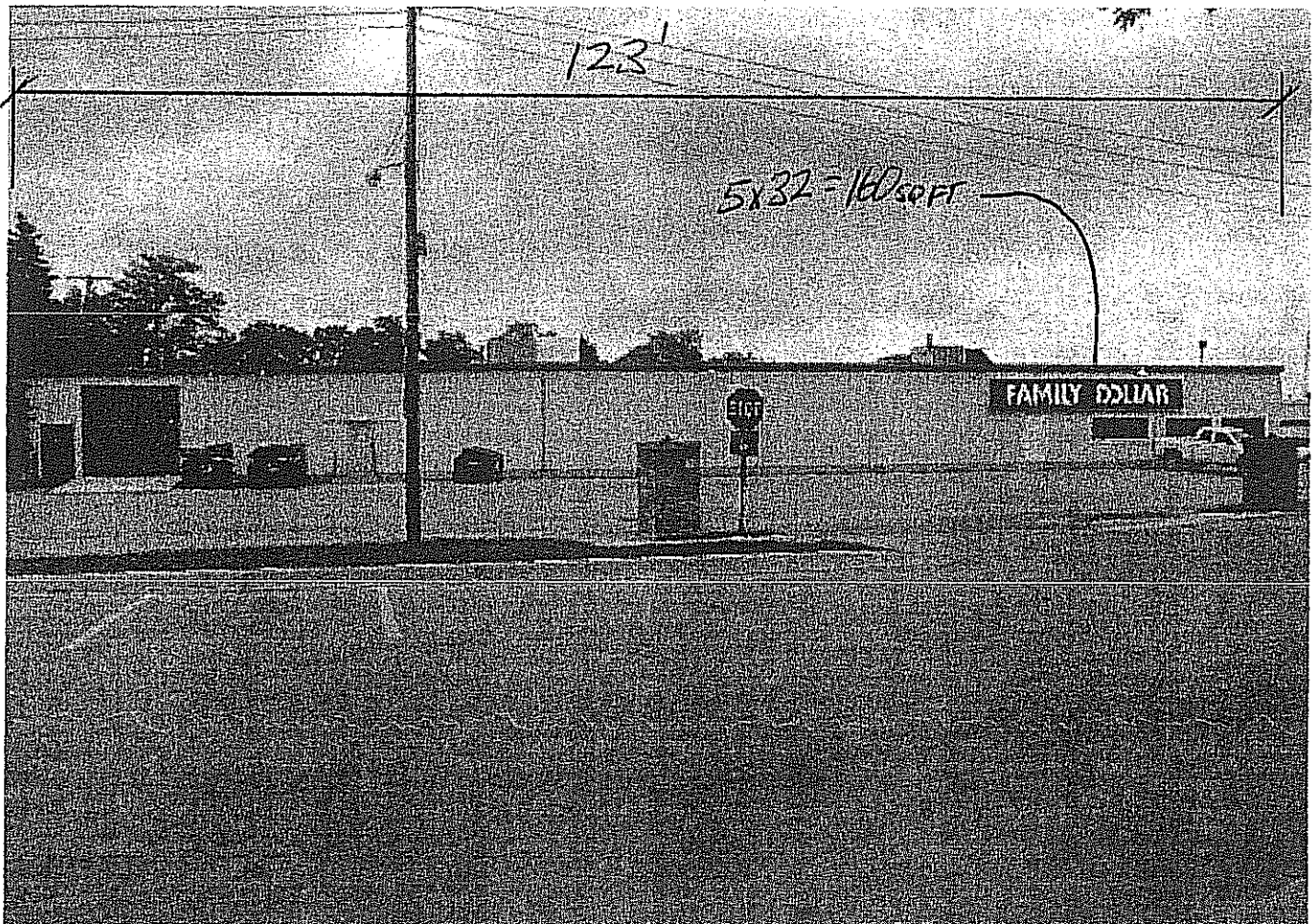
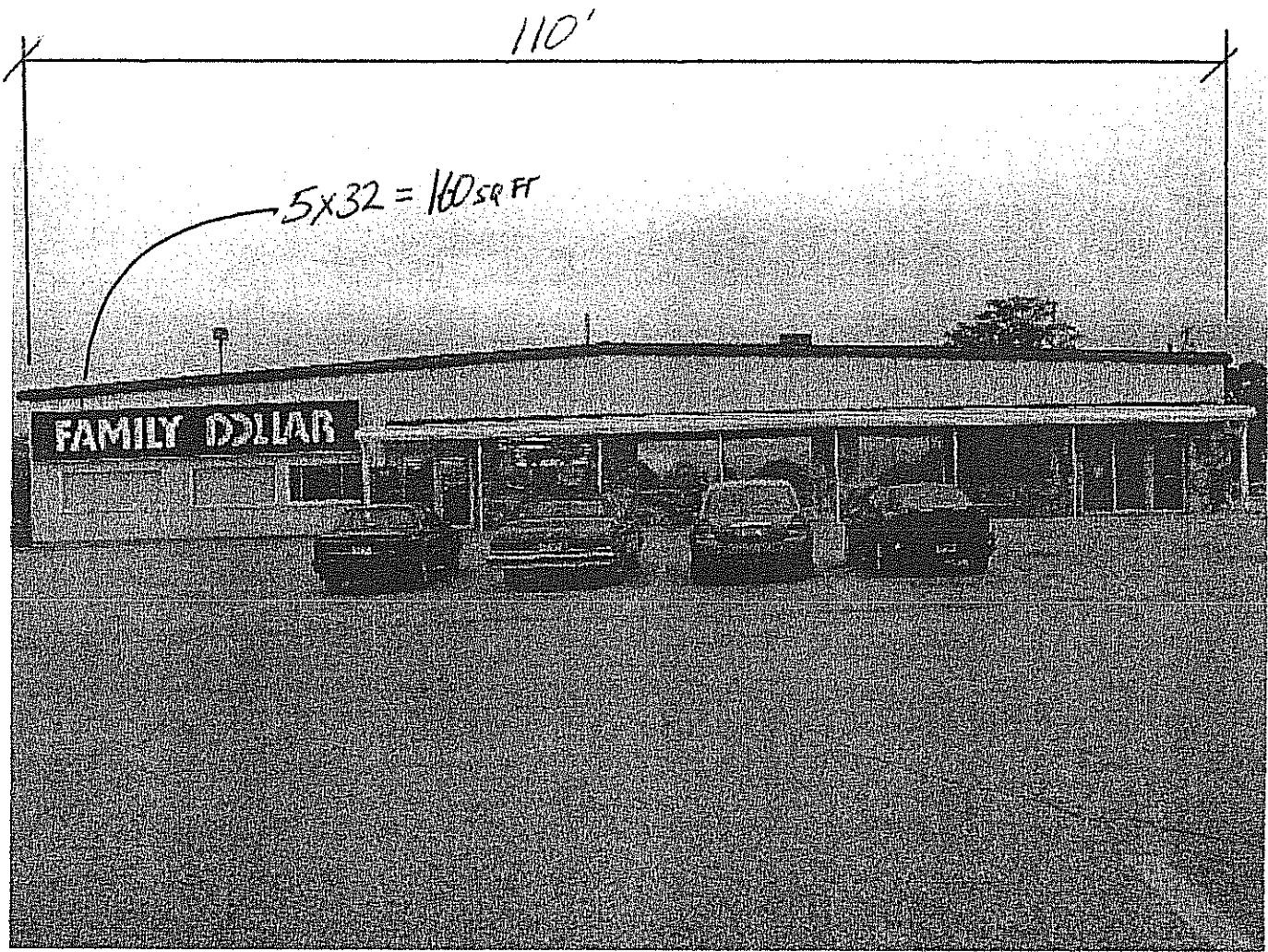
Signature

Date

Representation at the Public Hearing by either the applicant or agent is encouraged.

July 2008









October 17, 2008

Mr. Jon Rose:

I write this letter in support of the Salvation Army's request for a sign variance at 172 Memorial Drive, Manistee. I also agree that when Family Dollar moves from 170 Memorial Drive that the new Tenant will only be allowed 50% of the frontage for calculating the size of the Tenant's new sign. This caveat also applies to the side wall of the building with the intention that both Tenants will then be in compliance with the then existing City sign ordinance. Please call with any concerns and thank you for your consideration.

Sincerely,

Jack S. Smith  
Director, Real Estate

*Business Office*

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